

IN THE SENATE OF THE UNITED STATES.

APRIL 23, 1896.—Ordered to be printed.

Mr. WALTHALL, from the Committee on Military Affairs, submitted the following

REPORT:

[To accompany H. R. 951.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 951) to amend the military record of Dan S. Place, first lieutenant, Eighteenth Indiana Volunteers, having considered the same, report as follows:

A number of papers were submitted with this bill, and after an examination of the same your committee find that the House report hereto appended contains a clear and succinct statement of the facts of this case. They therefore adopt that report and recommend the passage of the bill.

[House Report No. 151, Fifty-fourth Congress, first session.]

The Committee on Military Affairs, to whom was referred the bill (H. R. 951) to amend the military record of Daniel S. Place, first lieutenant, Eighteenth Indiana Volunteers, have carefully considered the same and the papers pertaining thereto and report:

Daniel S. Place was enrolled as a private in Company G, Eighteenth Indiana Volunteers, July 27, 1861, and was promoted to the rank of first lieutenant for meritorious conduct, to date April 23, 1863. He was severely wounded and partially disabled in action at Port Gibson, May 1, 1863. While convalescing was ordered on light duty at New Orleans, where he remained until September, 1864, and was placed on detached duty at Elmira, N. Y., by special orders from the War Department, dated October 29, 1864.

While serving at Elmira, on duty at Prison Camp, he was charged with "conduct prejudicial to good order and discipline" and "conduct unbecoming an officer and gentleman," the specification being that he did, contrary to orders, carry out and mail letters for prisoners of war confined in the camp.

He was found guilty of the offense charged by a court-martial, but as the letters were shown to be of purely social character and contained nothing of importance, the sentence of the court was out of all proportion to the offense, in that it sentenced him to be cashiered the service and forever prohibited him from holding any office of trust or emolument under the United States Government; that his sword be broken by a noncommissioned officer, his straps taken from his shoulders, and his buttons cut from his coat in the presence of the troops of the command.

The latter part of the sentence, requiring his personal degradation in the presence of the troops of the command, was disapproved by Bvt. Brig. Gen. A. S. Devier, commanding the military district of New York.

On March 15, 1865, the case was reopened at the instance of Senator Henry S. Lane, of Indiana, and a lengthy report made and filed by the Acting Judge-Advocate-General of the Army, in which, among other things, he says:

"It is not believed that he should be disfranchised, and as he is represented to be a man of good character and undoubtedly loyal, the interests of the service would justify a removal of all disability in order to enable him to reenter the service if the governor of the State sees proper to commission him."

Upon this report, by direction of the President, the disability to reenter the service was removed.

There remains, therefore, against Lieutenant Place nothing of the original sentence save the dismissal from the Army, which, in view of his established loyalty before and after the offense charged, the trivial character of the offense itself, viewed in the light of the facts submitted to the Judge-Advocate-General upon the reopening of the case, his brave, efficient, and faithful services as a soldier, his high character and standing as a citizen during the thirty years that have passed since the war, your committee believe ought to be removed. Your committee do not discredit the necessity for the maintenance of military discipline, which it is conceded involves exact obedience to orders, but it believes the highest demands of such discipline have been more than met by the punishment already inflicted.

Your committee therefore report the accompanying bill favorably and recommend that it do pass.

